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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/384,073	08/26/1999	WATARU ISHISAKI	0671.63110	7351

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EXAMINER

SAX, STEVEN PAUL

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 07/16/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.
09/384,073

Applicant(s)
Ishisaki

Examiner
Steve Sax

Art Unit
2174



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 6, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 2174

DETAILED ACTION

1. This application has been examined. The amendment filed 5/6/03 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sigona (5694150) and White et al (5982351) and Mastering Windows 3.1.

4. Regarding claim 1, see Sigona et al: the abstract, Figure 6, column 3 lines 15-25. Note the graphical user interface with input monitoring means for location and actuation of an input device. See also column 3 lines 45-50 and column 10 lines 30-39 and note how a number of consecutive actuations of the input device in a given time interval, as well as duration time of input events, are ascertained. As a result of this interface windowing events are caused (column 6 lines 5-14 and 47-57), which implicitly includes menuing features. Nevertheless, Sigona et al do not specifically show that these input events determine the selection (and subsequent display) of a menu or region of a menu, but only that they determine a windowing event of some sort.

Art Unit: 2174

The motivation thus mentioned in Sigona et al is to ease the burden of input management and make input operations acted upon more efficiently. Now, see White et al: Figure 4, column 5 lines 8-30. This shows the management, selection, and displaying of menus based on input monitored events. Note again in column 5 lines 7-14 and 33-42 that the motivation for this is to ease the burden of input management and to make input operations (such as a single stroke) acted upon more efficiently. It would have been obvious to a person with ordinary skill in the art to do the menu management, selection, and display such as in White et al, on the basis of input monitored events such as the consecutive actuations and input event duration as in Sigona et al, because it would ease the burden of input management and make input operations acted upon more efficiently in a graphical user interface system. Neither reference specifically require that the same input device is actuated, but this could be possible especially in Sigona et al. But note in Mastering Windows 3.1 pages 21-31 and 868 that when a same cursor key is constantly actuated, different menus or parts of a menu are accessed. When a same cursor is held for a predetermined time, the next (menu or region of menu) is accessed. This is done to ease the burden of input management and make input operations acted upon more efficiently in a graphical user interface system. It would have been obvious to a person with ordinary skill in the art to have the same input cause the accessibility, because it would ease the burden of input management and make input operations acted upon more efficiently in a graphical user interface system. Furthermore, the Examiner understands as implicit the capability in a windowing system to 'right click' on a mouse while the cursor is in the desktop, in order to call up an options menu

Art Unit: 2174

at the location of the cursor. See for example the Microsoft Press Computer Dictionary (3rd Edition 1997) page 412. Thus it is implicit that the menuing access in the combination thus described would also be called up at the location of the cursor.

5. Regarding claim 2, in addition to the aforementioned, note in White et al column 3 lines 9-15 the alert message. This is in response to a user input manipulation, and thus would be the indicator of the input events which thus would cause a menu selection as described above.

6. Regarding claim 3, in addition to the aforementioned, see in Sigona et al: Figure 7 and column 5 lines 13-19 and 39-46. The cursor position is determined at each event and if the difference is greater than a threshold, the events are considered not consecutive and the counter (and alert indicator) are not incremented. See column 10 lines 35-45.

7. Regarding claims 4-5, in addition to the aforementioned, note in White et al column 5 lines 17-22 that the display control positions the cursor on a region of the menu.

8. Regarding claims 6-9, these show the same features as above and are rejected for the same reasons. Note that a duration may be defined as the time between two events. Also, regarding claim 8, note that Sigona et al show a windowing system (column 6 lines 27-34) and White et al show a full menu managing system (column 5 lines 13-17).

Art Unit: 2174

9. Claims 10-12 show the same features as above and are rejected for the same reasons.

10. Applicant's arguments filed have been fully considered but they are not persuasive. .

Applicants discuss the amendment to the claims. Note that in response to the amendment, additional explanation in paragraph 4 of this Office Action is given to show how the added feature of the menu being displayed at the position of the cursor is in fact implicit in the prior art. See the enclosed dictionary extract. The features claimed are shown in the prior art as explained above.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2174

12. Any inquiry concerning this communication should be directed to Steve Sax at telephone number (703) 305-9582.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Sax whose telephone number is (703) 305-9582. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238	After Final Communication
(703) 746-7239	Official Communication
(703) 746-7420	For Status Inquiries, draft communication

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


STEVEN SAX
PRIMARY EXAMINER